

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERRY CASILLAS,

07 Civ. 4082 (PKC) (GWG)

Plaintiff,

- against -

RICHARD F. DAINES, as Commissioner of the
New York State Department of Health, and
ROBERT DOAR, as Commissioner of the
New York City Human Resources Administration,

Defendants.
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Stipulation

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/26/07
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This Stipulation (the "Stipulation") is made and entered into as of this 25th day of July, 2007 by and among TERRY CASILLAS ("Ms. Casillas" or "Plaintiff"), ROBERT DOAR, as Commissioner of the New York City Human Resources Administration, and RICHARD F. DAINES, as Commissioner of the New York State Department of Health.

RECITALS

WHEREAS, Plaintiff filed the above captioned action on May 24, 2007, against Defendants RICHARD F. DAINES ("Defendant Daines"), as Commissioner of the New York State Department of Health, and ROBERT DOAR, as Commissioner of the New York City Human Resources Administration ("Defendant Doar");

WHEREAS, Plaintiff alleged that Defendants' promulgation and implementation of 18 N.Y.C.R.R. § 505.2(l) violates the federal Medicaid Act, the equal protection clauses of the United States and New York State constitutions and the New York Social Services Law;

WHEREAS, Defendant Doar petitioned the Court by letter dated July 3, 2007 for a pre-motion conference requesting leave to make a motion to dismiss the Complaint as against him in the above captioned action;

WHEREAS, on July 5, 2007 the Court directed the Plaintiff to respond to Defendant Doar's July 3, 2007 letter no later than July 13, 2007 and Plaintiff submitted a letter response by that date;

WHEREAS, the parties appeared before the Court on July 20, 2007 for the pre-motion conference;

WHEREAS, Defendant Doar maintains that he has no role in providing any of the relief requested by Plaintiff;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned attorneys for the respective parties herein as follows:

1. Plaintiff voluntarily dismisses all claims raised against Defendant Doar in the above captioned action without prejudice and agrees that Defendant Doar is not liable for any attorneys' fees or costs;

2. If 18 N.Y.C.C.R. §505.2(1) is determined by the Court to be invalid or if Plaintiff and Defendant Daines reach a settlement whereby 18 N.Y.C.C.R. §505.2(1) is repealed, Defendant Doar will fully comply with all law, regulations, and policy which may require City Defendant to process plaintiff's application for medical assistance coverage for gender reassignment related care, services, drugs and/or supplies;

3. If Plaintiff and Defendant Daines reach a settlement in the within action to provide Plaintiff with, or the Court determines that Plaintiff is eligible to receive, medical assistance coverage for gender reassignment related care, services, drugs, and/or supplies,

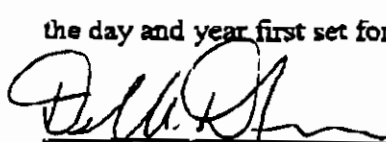
including but not limited to gender reassignment surgery, Defendant Doar will fully comply with all instructions or directives which may be issued by Defendant Daines or the Court, and all law and regulations which may be necessary to effectuate such relief and will not impede Plaintiff's receipt of such medical assistance coverage;

4. If, during the pendency of this lawsuit, Defendant Daines finds that Defendant Doar is necessary to provide any of the relief requested by Plaintiff herein, Defendant Daines shall promptly move to join Defendant Doar as a party;

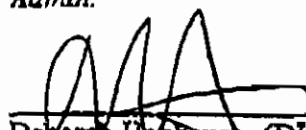
5. The Parties agree that any disputes concerning or arising under or from this Stipulation shall be brought before Judge P. Kevin Castel in the United States District Court for the Southern District of New York;

6. The Parties agree that facsimile signatures are acceptable for purposes herein.

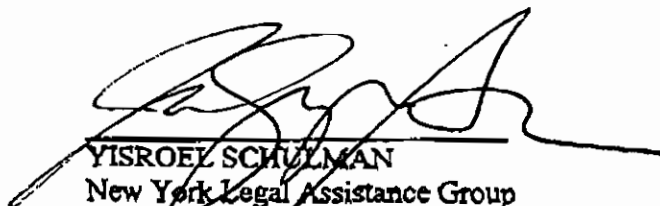
IN WITNESS WHEREOF, the Parties have caused this Stipulation to be executed as of the day and year first set forth above.


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IT IS SO ORDERED:

Dated: New York, New York
July 26, 2007.


P. KEVIN CASTEL
United States District Court Judge